

1970

c 78 Conservation Authorities Act

Ontario

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CHAPTER 78

The Conservation Authorities Act

1. In this Act,

Interpre-
tation

- (a) "administration costs" means salaries and travelling expenses of members and employees of an authority, office rent, maintenance and purchase of office equipment, expenses connected with exhibits, visual equipment and printed matter for educational purposes, and all expenditures necessary for carrying out the objects of an authority other than capital expenses and maintenance costs of approved projects;
- (b) "advisory board" means an advisory board appointed by an authority;
- (c) "authority" means a conservation authority established by or under this Act or a predecessor of this Act;
- (d) "executive committee" means the executive committee appointed by an authority;
- (e) "land" includes buildings and any estate, term, easement, right or interest in, to, over or affecting land;
- (f) "maintenance costs" means all expenditures required specifically in relation to the operation or maintenance of an approved project;
- (g) "Minister" means the Minister of Energy and Resources Management;
- (h) "municipality" means a city, town, village, township or improvement district, and includes a band under the *Indian Act* (Canada) that is permitted to control, manage and expend its revenue moneys under section 68 of that Act; R.S.C. 1952,
c. 149
- (i) "participating municipality" means a municipality that is designated by or under this Act as a participating municipality;
- (j) "project" means a work undertaken by an authority for the furtherance of its objects;
- (k) "referee" means the referee appointed under *The Drainage Act*; R.S.O. 1970,
c. 136
- (l) "watershed" means an area drained by a river and its tributaries. 1968, c. 15, s. 1; 1968-69, c. 13, s. 1.

Calling of
meeting

2.—(1) Where the councils of any two or more municipalities situate either wholly or partly within a watershed by resolution request the Minister to call a meeting for the establishment of an authority for the watershed or any defined part thereof, the Minister shall fix a time and place for such a meeting and shall forthwith notify the council of every municipality either wholly or partly within the watershed or such part thereof.

Represent-
atives at
meeting

(2) The council of each municipality may appoint representatives to attend the meeting in the following numbers:

1. Where the population is 250,000 or more, five representatives.
2. Where the population is 100,000 or more but less than 250,000, four representatives.
3. Where the population is 50,000 or more but less than 100,000, three representatives.
4. Where the population is 10,000 or more but less than 50,000, two representatives.
5. Where the population is less than 10,000, one representative.

Authority
of representa-
tives

(3) The representatives so appointed have authority to vote and generally act on behalf of their respective municipalities at such meeting.

Quorum

(4) At any meeting called under this section, a quorum consists of two-thirds of the representatives that the municipalities notified are entitled to appoint, but, where not fewer than three representatives are present at a meeting or adjourned meeting, they may adjourn the meeting or adjourned meeting from time to time. 1968, c. 15, s. 2.

Establish-
ment of
authority

3.—(1) Upon receipt by the Minister of a resolution passed at a meeting or adjourned meeting held under section 2 and at which a quorum was present by not less than two-thirds of the representatives present thereat requesting the establishment of an authority, the Lieutenant Governor in Council may establish a conservation authority and designate the municipalities that are the participating municipalities and the area over which the authority has jurisdiction.

Urban
municipal-
ities

(2) Where a city, town or village is only partly within the watershed, the Lieutenant Governor in Council may include the whole or that part of the city, town or village in the area over which the authority has jurisdiction.

Name of
authority

(3) The name of each authority shall be determined by the Lieutenant Governor in Council and shall conclude with the words "conservation authority".

- (4) Every authority is a body corporate.

Corporate
body

(5) Every authority may, for its purposes, borrow on the promissory note of the authority, at such rate of interest as the Minister approves, such moneys as may be required until payment to the authority of any grants and of sums to be paid to the authority by the participating municipalities. 1968, c. 15, s. 3.

Borrowing
power

4.—(1) Where a regional municipality has been established, the regional municipality, on and after the 1st day of January after it is established,

Regional
municipality to
act in place
of local
municipalities

- (a) shall act in the place of the local municipalities within the regional municipality for the purpose of appointing representatives to attend a meeting for the establishment or enlargement of a conservation authority or the amalgamation of conservation authorities and for such purpose may appoint representatives in the numbers to which the local municipalities would otherwise have been entitled; and

- (b) shall be a participating municipality in the place of such of the local municipalities within the regional municipality as are wholly or partly within the area under the jurisdiction of a conservation authority and shall appoint to each such authority the number of members to which the local municipalities would otherwise have been entitled as participating municipalities.

(2) When a regional municipality is established, the members of an authority then holding office who were appointed by a local municipality wholly or partly within the regional municipality shall continue to hold office until their respective terms of office expire and shall be deemed to have been appointed by the regional municipality. 1968-69, c. 13, s. 2 (1, 2).

Present
members
when
regional
municipality
established

5.—(1) In this section, "Metropolitan Conservation Authority" means The Metropolitan Toronto and Region Conservation Authority.

Interpre-
tation

(2) The Metropolitan Toronto and Region Conservation Authority is continued.

Metropoli-
tan Con-
servation
Authority
continued

(3) The Municipality of Metropolitan Toronto, the towns of Ajax, Brampton, Mississauga and Richmond Hill, the townships of Adjala, Albion, Caledon, Chinguacousy, King, Markham, Mono, Pickering, Toronto Gore, Uxbridge, Vaughan and Whitchurch and the villages of Bolton, Markham, Pickering, Stouffville and Woodbridge are hereby designated as the participating municipalities in the Metropolitan Conservation Authority for the purposes of this Act.

Partici-
pating
municipalities

Jurisdiction
of Metro-
politan
Conserva-
tion
Authority

(4) The Metropolitan Conservation Authority has jurisdiction in all matters provided for in this Act over an area composed of all areas formerly under the jurisdictions of the Etobicoke-Mimico Conservation Authority, the Humber Valley Conservation Authority, the Don Valley Conservation Authority, and the Rouge, Duffin, Highland, Petticoat Conservation Authority, together with all other areas lying between the westerly limit of the area formerly under the jurisdiction of the Etobicoke-Mimico Conservation Authority and the easterly limit of the area formerly under the jurisdiction of the Rouge, Duffin, Highland, Petticoat Conservation Authority and which front on Lake Ontario and together with the area within the watershed of Carruthers Creek and the area known as Toronto Island.

Adjala,
Caledon and
Mono to be
one munici-
pality

(5) For the purposes of appointing members to the Metropolitan Conservation Authority, the townships of Adjala, Caledon and Mono shall be considered as one municipality.

Members

(6) Notwithstanding section 13, the number of members appointed to the Metropolitan Conservation Authority by The Municipality of Metropolitan Toronto shall at all times be equal to the total number of members appointed by the other participating municipalities. 1968, c. 15, s. 4.

Hamilton
Region Con-
servation
Authority
continued

6.—(1) The Hamilton Region Conservation Authority is continued.

Partici-
pating
munici-
palities

(2) The City of Hamilton, the towns of Dundas and Stoney Creek and the townships of Ancaster, Beverly, Flamborough East, Flamborough West, Puslinch, and Saltfleet are hereby designated as the participating municipalities in the Hamilton Region Conservation Authority for the purposes of this Act.

Jurisdiction
of Authority

(3) The Hamilton Region Conservation Authority has jurisdiction in all matters provided for in this Act over an area composed of the watersheds of Spencer Creek and all other streams entering Lake Ontario, including any bays or inlets thereof, from the point where the northeast boundary of the Spencer Creek watershed meets the shore of Lake Ontario to the point where the northwest boundary of the Niagara Peninsula Conservation Authority meets the shore of Lake Ontario.

Idem

(4) The City of Hamilton and the Town of Stoney Creek are wholly included in the area over which the Hamilton Region Conservation Authority has jurisdiction.

Members

(5) Notwithstanding section 13, the number of members appointed by the City of Hamilton shall, at all times, be equal to the total number of members appointed by the other participating municipalities. 1968, c. 15, s. 5.

7.—(1) The Grand River Conservation Authority is continued as a conservation authority under this Act.

Grand River Conservation Authority continued

(2) The Lieutenant Governor in Council may,

Designation of participating municipalities and appointment of members

- (a) designate the municipalities that are the participating municipalities of the Grand River Conservation Authority and the area over which it has jurisdiction, and designate any group of municipalities that shall be considered as one municipality for the purpose of appointing a member or members to the Authority;
- (b) provide for the appointment of the member or members to be appointed by a group of municipalities;
- (c) notwithstanding section 13, appoint not more than eight members to the Authority for a term of three years.

(3) Each member of the Grand River Conservation Authority appointed by the Lieutenant Governor in Council shall hold office until the first meeting of the Grand River Conservation Authority after the term for which he was appointed has expired. 1968, c. 15, s. 6, *amended*.

Term of office of members appointed

8. Where the councils of any three municipalities situate either wholly or partly within the area comprising two or more watersheds by resolution request the Minister to call a meeting for the establishment of an authority for such watersheds or any defined parts thereof, the provisions of sections 2 and 3 apply *mutatis mutandis*. 1968, c. 15, s. 7.

Establishment of authority

9.—(1) Where,

- (a) an authority has been established for one or more watersheds; and
- (b) the council of a municipality by resolution requests the Minister to call a meeting to consider the enlargement of the area over which the authority has jurisdiction to include one or more watersheds,

Meeting for enlargement of authority

the Minister shall fix a time and place for such a meeting and shall forthwith notify the secretary-treasurer of the authority and the council of every municipality situate either wholly or partly within the watershed or watersheds to be included.

(2) With respect to each municipality so notified, subsection 2 of section 2 applies.

Representatives

(3) At any meeting called under this section, a quorum consists of the number of members of the existing authority required to constitute a quorum of the authority and two-thirds of the representatives that the municipalities notified are entitled to

Quorum

appoint, but, where not fewer than two members of the authority and three municipal representatives are present at a meeting or an adjourned meeting, they may adjourn the meeting or adjourned meeting from time to time. 1968, c. 15, s. 8 (1-3).

Enlarge-
ment of
authority

(4) Upon receipt by the Minister of a joint resolution passed at a meeting or adjourned meeting held under subsection 3 and at which a quorum was present by not less than two-thirds of the members of the authority and not less than two-thirds of the municipal representatives thereat requesting the enlargement of the area over which the authority has jurisdiction to include one or more watersheds, the Lieutenant Governor in Council may enlarge the area accordingly and may designate the additional municipalities that are the participating municipalities and the area over which the enlarged authority has jurisdiction. 1968, c. 15, s. 8 (4).

Amalgama-
tion of
authorities

10.—(1) Where,

- (a) two or more authorities have been established for two or more adjoining watersheds or parts thereof; and
- (b) one or more of such authorities by resolution requests the Minister to call a meeting to consider the establishment of one authority to have jurisdiction over the areas then under the separate jurisdictions of such authorities,

the Minister shall fix a time and place for such meeting and shall forthwith notify the secretary-treasurer of each of the authorities concerned and the council of each municipality that is a participating municipality with respect to any of the authorities concerned.

Represent-
atives

(2) With respect to each municipality so notified, subsection 2 of section 2 applies.

Quorum

(3) At any meeting called under this section, a quorum consists of two-thirds of the representatives that the municipalities notified are entitled to appoint, but, where not fewer than three representatives are present at a meeting or adjourned meeting, they may adjourn the meeting or adjourned meeting from time to time.

Establish-
ment of new
authority

(4) Upon receipt by the Minister of a resolution passed at a meeting or adjourned meeting held under subsection 3 and at which a quorum was present by not less than two-thirds of the representatives present thereat requesting the establishment of one authority for the watersheds or parts of watersheds concerned, the Lieutenant Governor in Council may establish an authority accordingly, dissolve the existing authorities, and designate the municipalities that are the participating municipalities and the area over which the new authority has jurisdiction.

(5) Upon the establishment of a new authority and the dissolution of the existing authorities under subsection 4, all the assets and liabilities of the dissolved authorities vest in and become assets and liabilities of the new authority. 1968, c. 15, s. 9.

11. Where,

- (a) an authority has been established and has under its jurisdiction part of a watershed; and
- (b) the council of a municipality, situate either wholly or partly within any defined part of the watershed not under the jurisdiction of the authority, by resolution requests the Minister to call a meeting to consider the enlargement of the area over which the authority has jurisdiction to include such defined part,

Assets and liabilities of former authorities
Enlargement of authority having jurisdiction in part of a watershed

the Minister shall fix a time and place for such meeting and shall forthwith notify the secretary-treasurer of the authority and the council of every municipality either wholly or partly within such defined part, and the provisions of subsections 2, 3 and 4 of section 8 apply *mutatis mutandis*. 1968, c. 15, s. 10.

12. Where a new municipality is erected or two or more municipalities are amalgamated or any area is annexed to a municipality and any part of the resulting municipality is within the area over which an authority has jurisdiction, such resulting municipality shall be deemed to have been designated a participating municipality by the Lieutenant Governor in Council. 1968, c. 15, s. 11.

Participating municipalities following annexation, etc.

13.—(1) Members of an authority shall be appointed by the respective councils of the participating municipalities in the numbers prescribed by subsection 2 of section 2 for the appointment of representatives, and each member shall hold office until the first meeting of the authority after the term for which he was appointed has expired.

Members of authority

(2) Every member of an authority shall be resident in a participating municipality in which the authority has jurisdiction.

Qualification

(3) No member of an authority shall be appointed to hold office for more than three years at any one time.

Term

(4) Where part only of a municipality is situated in an area over which an authority has jurisdiction, the number of members appointed for the municipality shall be based on the population of that part only of the municipality, and such population shall be deemed to be the same proportion of the total population of the whole municipality as the number of acres in that part of the municipality is of the total acreage of the municipality.

Where part only of municipality under an authority

Members
appointed
by
Lieutenant
Governor in
Council

(5) Where a grant is made to an authority under section 39, the Lieutenant Governor in Council may appoint not more than three members of the authority for a term of three years, and each such member shall hold office for the term for which he was appointed and until his successor is appointed. 1968, c. 15, s. 12.

Meetings

14.—(1) The first meeting of an authority shall be held at such time and place as may be determined by the Minister and, in each year thereafter, the authority shall hold at least one meeting before the 1st day of March and at least one meeting after the 1st day of July and such other meetings as it considers necessary to effectively conduct the affairs of the authority.

Copies of
minutes to
members

(2) Within fifteen days after any meeting of an authority or of an executive committee, the secretary-treasurer of the authority shall send a copy of the minutes of the meeting to each member of the authority. 1968, c. 15, s. 13.

Votes

15.—(1) Each member of an authority is entitled to one vote, and, in the event of a tie vote, the chairman has a second or deciding vote.

Quorum

(2) At any meeting of an authority, a quorum consists of one-third of the members appointed by the participating municipalities, except where there are fewer than six such members, in which case two such members constitute a quorum.

Majority
vote

(3) A majority vote of the members present at any meeting is required upon all matters coming before the meeting. 1968, c. 15, s. 14.

Chairman,
vice-
chairmen

16.—(1) At the first meeting of an authority and thereafter at the first meeting held in each year, the authority shall appoint a chairman and one or more vice-chairmen from among the members of the authority, but, where a grant is made to an authority under section 39, the Lieutenant Governor in Council may appoint the chairman from among the members of the authority.

Death of
chairman
or vice-
chairman

(2) Subject to subsection 1, upon the death of the chairman or a vice-chairman, or upon the incapacity of the chairman or a vice-chairman to act, or upon the chairman or a vice-chairman ceasing to be a member of the authority, the remaining members may appoint a member to fill such vacancy.

Absence of
chairman
and vice-
chairmen

(3) In the event of the absence of the chairman and the vice-chairmen from any meeting of an authority, the members present shall appoint an acting chairman who, for the purposes of such meeting, has all the powers and shall perform all the duties of the chairman. 1968, c. 15, s. 15.

Appoint-
ment of
employees

17.—(1) An authority shall appoint a secretary-treasurer and may appoint such other employees as it considers necessary who

shall hold office during the pleasure of the authority and shall receive such salary or other remuneration as the authority determines, payable out of the funds of the authority.

(2) An authority may appoint one or more advisory boards. 1968, c. 15, s. 16. Advisory
boards

18.—(1) The authority may appoint an executive committee from among the members of the authority. Executive
committee

(2) The chairman and vice-chairmen of the authority shall be the chairman and vice-chairmen of the executive committee. Chairman,
vice-
chairmen

(3) Where a grant is made to an authority under section 39, the Lieutenant Governor in Council may appoint a member of the authority to the executive committee. 1968, c. 15, s. 17. Appoint-
ment by
Lieutenant
Governor in
Council

19. The objects of an authority are to establish and undertake, in the area over which it has jurisdiction, a program designed to further the conservation, restoration, development and management of natural resources other than gas, oil, coal and minerals. 1968, c. 15, s. 18. Objects

20. For the purposes of accomplishing its objects, an authority has power, Powers of
authorities

- (a) to study and investigate the watershed and to determine a program whereby the natural resources of the watershed may be conserved, restored, developed and managed;
- (b) for any purpose necessary to any project under consideration or undertaken by the authority, to enter into and upon any land and survey and take levels of it and make such borings or sink such trial pits as the authority considers necessary;
- (c) to acquire by purchase, lease or otherwise and to expropriate any land that it may require, and, subject to the approval of the Lieutenant Governor in Council, to sell, lease or otherwise dispose of land so acquired;
- (d) to lease for a term of one year or less, without the approval of the Lieutenant Governor in Council, land acquired by the authority;
- (e) where the executive committee of the authority is of opinion that the authority can obtain the whole of any lot or parcel of land of which any part may be expropriated by it at a more reasonable price or to greater advantage than by acquiring such part only, to expropriate the whole of such lot or parcel and to sell and convey any part thereof as it considers expedient;

- (f) to purchase or acquire any personal property that it may require and sell or otherwise deal therewith;
- (g) to enter into such agreements for the purchase of materials, employment of labour and such other purposes as may be necessary for the due carrying out of any project;
- (h) to enter into agreements with owners of private lands to facilitate the due carrying out of any project;
- (i) to determine the proportion of the total benefit afforded to all the participating municipalities that is afforded to each of them;
- (j) to erect works and structures and create reservoirs by the construction of dams or otherwise;
- (k) to control the flow of surface waters in order to prevent floods or pollution or to reduce the adverse effects thereof;
- (l) to alter the course of any river, canal, brook, stream or watercourse, and divert or alter, as well temporarily as permanently, the course of any river, stream, road, street or way, or raise or sink its level in order to carry it over or under, on the level of or by the side of any work built or to be built by the authority, and to divert or alter the position of any water-pipe, gas-pipe, sewer, drain or any telegraph, telephone or electric wire or pole;
- (m) to use lands that are owned or controlled by the authority for such purposes, not inconsistent with its objects, as it considers proper;
- (n) to use lands owned or controlled by the authority for park or other recreational purposes, and to erect, or permit to be erected, buildings, booths and facilities for such purposes and to make charges for admission thereto and the use thereof;
- (o) to collaborate and enter into agreements with departments and agencies of government, municipal councils and local boards and other organizations;
- (p) to plant and produce trees on Crown lands with the consent of the Minister of Lands and Forests, and on other lands with the consent of the owner, for any purpose;
- (q) to cause research to be done;
- (r) generally to do all such acts as are necessary for the due carrying out of any project. 1968, c. 15, s. 19.

reconstruction or maintenance of an existing road under the jurisdiction of the municipality for the purpose of providing access to lands of the authority used or to be used for park or recreational purposes. 1968, c. 15, s. 20.

22. Notwithstanding any powers conferred upon an authority by this Act, the Minister or his representative may, when and for such periods as he considers necessary in the public interest, issue instructions for or take over the operation of all water control structures of an authority. 1968, c. 15, s. 21.

Water control structures, authority of Minister to operate

23.—(1) Before proceeding with a project, the authority shall file plans and a description thereof with and obtain the approval in writing of the Minister, and, where any portion of the cost of a project is to be raised in a subsequent year or years, shall also obtain the approval of the Ontario Municipal Board.

Approval of project

(2) When the statement of apportionment of the cost of any project requires a municipality to raise any portion of the cost in a subsequent year or years, the council shall, within thirty days after it receives the notice of apportionment, notify the authority in writing whether such portion of the cost will be provided by the issue of debentures or raised by taxation in the subsequent year or years.

Notice re raising of portion of cost

(3) When a municipal council has, in accordance with subsection 2 of section 24, notified the secretary of the Ontario Municipal Board that it is dissatisfied with any such apportionment, the time allowed for notifying the authority under subsection 2 shall be reckoned from the date of the order confirming or varying the apportionment.

Time for notice where apportionment under review

(4) Where any municipality is required to obtain the approval of the Ontario Municipal Board with respect to the raising of moneys in connection with any project of the authority, the application of the authority under subsection 1 shall be considered an application for such approval on behalf of the municipality.

Application for approval on behalf of municipality

(5) Notwithstanding *The Lakes and Rivers Improvement Act*, a project for the construction of dams or other works on a lake or river that has been approved under this section does not require approval under that Act. 1968, c. 15, s. 22.

Approval under R.S.O. 1970, c. 233

24.—(1) When an authority has determined the proportion of the total benefit of any project afforded to all the participating municipalities that is afforded to each of them, it shall cause a notice containing a statement of such apportionment to be sent to the council of each participating municipality by registered mail.

Notice of apportionment

Review of
apportion-
ment by
O.M.B.

(2) Any municipal council that is dissatisfied with any such apportionment may, within thirty days after it receives notice of the apportionment, notify the secretary of the Ontario Municipal Board and the authority in writing by registered mail that it applies for a review of the apportionment by the Ontario Municipal Board.

Hearing

(3) Upon such application, the Ontario Municipal Board shall fix a date for the hearing of all interested parties and shall give all necessary directions for the hearing.

Powers of
O.M.B. on
hearing

(4) The Ontario Municipal Board has authority to take evidence, to confirm or vary the apportionment of the authority and to fix and award costs, and its decision is final and conclusive and is not open to appeal.

Variation of
apportion-
ment

(5) In the event of the authority varying any apportionment made by it, the provisions of this section apply *mutatis mutandis*. 1968, c. 15, s. 23.

Determina-
tion of
capital
expenditure

25.—(1) An authority may, from time to time, determine what moneys will be required for capital expenditure in connection with any project.

Portion
to be raised
by partici-
pating
municipal-
ities

(2) The portion of the moneys so required that each participating municipality shall raise shall be in the same proportion as the benefit derived by each such municipality bears to the total benefit derived by all participating municipalities.

How money
to be raised

(3) Upon notice in writing of the amount required to be raised, signed by the secretary-treasurer of the authority, each participating municipality shall raise by the issue of debentures or otherwise such moneys as may be required by the authority for capital expenditure, subject only to such conditions as the Ontario Municipal Board may impose as to the time and manner of the raising of such moneys.

Enforce-
ment of
payment

(4) Subject to subsection 3, an authority may enforce payment against any participating municipality of the portion of the capital cost required to be raised by the municipality as a debt due by the municipality to the authority.

Where only
part of
municipal-
ity in area

(5) Where only a part of a participating municipality is situated in the area over which the authority has jurisdiction, the portion of the moneys required to be raised by that municipality for capital expenditure may be charged only against the rateable property in that part of the municipality.

Limited
benefit

(6) Where the council of a participating municipality is of opinion that the major part of the benefit to be derived from a specific work accrues to a limited area of the municipality, the council, with the approval of the Minister, may by by-law provide

that a specified portion of the moneys required to be raised by that municipality for capital expenditure in connection with that work shall be defrayed by a special rate upon the rateable property in that area, which area shall be defined in the by-law, and that the balance of such moneys shall be defrayed by a special rate upon the rateable property in the remaining portion of the municipality within the area over which the authority has jurisdiction. 1968, c. 15, s. 24.

26.—(1) In subsection 3, “equalized assessment” means the assessment upon which taxes are levied in the year preceding the year in which the proportion will be payable as adjusted by the application of the equalization factor based on such assessment provided by the Department of Municipal Affairs.

Interpre-
tation

(2) After determining the approximate maintenance costs for the succeeding year, the authority shall apportion such costs to the participating municipalities according to the benefit derived or to be derived by each such municipality, and the amount apportioned to each municipality shall be levied against each such municipality.

Apportion-
ment of
maintenance
costs

(3) After determining the approximate administration costs for the succeeding year, the authority shall apportion such costs to the participating municipalities in the proportion that the equalized assessment of the municipality or part bears to the equalized assessment of the whole area under the jurisdiction of the authority, and the amount apportioned to each municipality shall be levied against each such municipality.

Apportion-
ment of
administra-
tion costs

(4) An authority may establish a minimum sum that may be levied for administration costs by the authority against a participating municipality, and, where the amount apportioned to any municipality under subsection 3 is less than such minimum sum, the authority may levy the minimum sum against such municipality.

Minimum
levy for
administra-
tion costs

(5) The secretary-treasurer of the authority, forthwith after the amounts have been apportioned under subsections 2, 3 and 4, shall certify to the clerk of each participating municipality the total amount that has been levied under such subsections, and such amount shall be collected by the municipality in the same manner as municipal taxes for general purposes.

Notice of
apportion-
ment

(6) Where only a part of a participating municipality is situated in the area over which the authority has jurisdiction, the amount apportioned to that municipality may be charged only against the rateable property in that part of the municipality and shall be collected in the same manner as municipal taxes for general purposes.

Levy where
only part
of municipa-
lity in area

Enforce-
ment of
payment

(7) An authority may enforce payment against any participating municipality of any portion of the maintenance costs or administration costs levied against such municipality as a debt due by such municipality to the authority. 1968, c. 15, s. 25.

Regulations
by authority

27.—(1) Subject to the approval of the Lieutenant Governor in Council, an authority may make regulations applicable in the area under its jurisdiction,

- (a) restricting and regulating the use of water in or from rivers, streams, inland lakes, ponds, swamps, and natural or artificially constructed depressions in rivers or streams;
- (b) prohibiting or regulating the straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse;
- (c) regulating the location of ponds used as a source of water for irrigation;
- (d) providing for the appointment of officers to enforce any regulation made under this section;
- (e) prohibiting or regulating the construction of any building or structure in or on a pond or swamp or in any area below the high-water mark of a lake, river, creek or stream;
- (f) prohibiting or regulating the placing or dumping of fill of any kind in any defined part of the area over which the authority has jurisdiction in which in the opinion of the authority the control of flooding or pollution or the conservation of land may be affected by the placing or dumping of fill. 1968, c. 15, s. 26 (1); 1968-69, c. 13, s. 3.

Exceptions

- (2) No regulation made under this section,
 - (a) shall limit the use of water for domestic or live stock purposes;
 - (b) shall interfere with any rights or powers conferred upon a municipality;
 - (c) shall interfere with any rights or powers of The Hydro-Electric Power Commission of Ontario or of any board or commission that is performing its functions for or on behalf of the Government of Ontario; or
 - (d) shall interfere with any rights or powers under *The Public Utilities Act*.

R.S.O. 1970,
c. 390

Offence

(3) Every person who contravenes any regulation made under this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000 or to a term of imprisonment of not more than three months. 1968, c. 15, s. 26 (2, 3).

(4) In addition to any other remedy or penalty provided by law, the provincial judge, upon making a conviction under subsection 3 for constructing a building or structure or placing or dumping fill in contravention of any regulation made under this section, may order the person convicted to remove any such building, structure or fill within such time as the provincial judge orders, and, if such person fails to comply with such order, the authority having jurisdiction in the area in which such building, structure or fill is situated may cause the building, structure or fill to be removed, and the cost thereof shall be borne and paid by the person convicted and is recoverable by the authority by action in a court of competent jurisdiction. 1968, c. 15, s. 26 (4), *amended*.

Order for
removal of
fill,
structure,
etc.

28.—(1) Subject to the approval of the Lieutenant Governor in Council, an authority may make regulations applicable to lands owned by the authority,

Regulations

- (a) regulating and governing the use by the public of the lands and the works, vehicles, boats, services and things of the authority;
- (b) providing for the protection and preservation from damage of the property of the authority;
- (c) prescribing fees for the occupation and use of lands and works, vehicles, boats, recreational facilities and services;
- (d) prescribing permits designating privileges in connection with use of the lands or any part thereof and prescribing fees for such permits;
- (e) regulating and governing vehicular and pedestrian traffic and prohibiting the use of any class of vehicle or classes of vehicles;
- (f) prohibiting or regulating and governing the erection, posting up or other display of notices, signs, sign boards and other advertising devices;
- (g) prescribing terms and conditions under which horses, dogs and other animals may be allowed on the lands or any part thereof;
- (h) subject to *The Forest Fires Prevention Act* and the regulations made thereunder, prohibiting or regulating and governing the use, setting and extinguishment of fires.

R.S.O. 1970,
c. 179

(2) Every person who contravenes any regulation made under this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$100. 1968, c. 15, s. 27.

Offence

Regulations

29. Subject to the approval of the Minister, an authority shall make regulations,

- (a) providing for the calling of meetings of the authority and prescribing the procedure at such meetings;
- (b) prescribing the powers and duties of the secretary-treasurer;
- (c) designating and empowering officers to sign contracts, agreements and other documents on behalf of the authority;
- (d) delegating all or any of its powers to the executive committee except,
 - (i) the termination of the services of the secretary-treasurer,
 - (ii) the power to raise money, and
 - (iii) the power to enter into contracts or agreements other than such contracts or agreements as are necessarily incidental to the works approved by the authority.

Time for making regulations

(2) Every authority shall make regulations under subsection 1 within one year after its establishment. 1968, c. 15, s. 28, *amended*.

Application of R.S.O. 1970, c. 154

30. *The Expropriations Act* applies where land is expropriated by an authority or where land is injuriously affected by an authority in the exercise of its statutory powers. 1968, c. 15, s. 29, *amended*.

Affecting Crown land

31.—(1) Where any land required for the carrying out of a project or a part thereof is Crown land, a plan and description of the land prepared and signed by an Ontario land surveyor and signed by the chairman or vice-chairman of the authority shall be deposited with the Minister of Lands and Forests, and the project or the part thereof shall not be proceeded with until the authority has received the approval in writing of the Minister of Lands and Forests.

Interference with public work

(2) Where a project or a part thereof may interfere with a public work of Ontario or of The Hydro-Electric Power Commission of Ontario, the authority shall file with the Minister of Public Works or with the Commission, as the case may be, a plan and description of the project or a part thereof together with a statement of the interference with the public work that may occur and a statement of the manner in which the authority proposes to remedy the interference, and the project or the part thereof shall not be proceeded with until the authority has received the approval in writing of the Minister of Public Works or of the Commission, as the case may be.

(3) Where a project or a part thereof will interfere with a public road or highway, the authority shall file with the Minister of Highways a plan and description of the project or a part thereof together with a statement of the interference with the public road or highway that will occur and a statement of the manner in which the authority proposes to remedy the interference, and the project or the part thereof shall not be proceeded with until the authority has received the approval in writing of the Minister of Highways.

Interference
with
highway

(4) The cost of rebuilding any road, highway, bridge, public work or work of The Hydro-Electric Power Commission of Ontario or any part thereof and the cost of any other work that any of the Ministers of the Crown or the Commission may require to be done under this section shall be borne by the authority, except where an agreement providing for payment thereof in some other manner has been entered into with the Crown in right of Ontario or the Commission, as the case may be. 1968, c. 15, s. 30.

Costs,
how to be
borne

32.—(1) Land vested in an authority, except works erected by an authority for the purposes of a project, is taxable for municipal purposes by levy under subsection 3 of section 302 of *The Municipal Act* upon the assessment of such land determined in each year by the Department of Municipal Affairs based on the assessed value of the land at the market value thereof in accordance with section 27 of *The Assessment Act* as if the works erected by the authority on such land had not been erected.

Assessment
of lands of
authority

R.S.O. 1970,
cc. 284, 32

(2) Notwithstanding subsection 1, section 26 of *The Assessment Act* applies *mutatis mutandis* in respect of lands vested in an authority.

Assessment
of rented
property

(3) The Department of Municipal Affairs shall, on completion of the valuation of such land, deliver or mail to each authority concerned and to the clerk of each municipality in which any of such land is situate a notice setting out the valuation of such land in the municipality.

Valuation
notice

(4) Any such municipality or the authority may appeal to the Ontario Municipal Board against the valuation of the land in the municipality.

Appeal

(5) A notice of appeal to the Ontario Municipal Board under subsection 4 shall be sent by the party appealing, by registered mail, to the secretary of the Board within twenty-one days after the notice of valuation has been delivered or mailed under subsection 3.

Notice of
appeal

(6) Upon receipt of a notice of appeal, the secretary of the Ontario Municipal Board shall arrange a time and place for hearing the appeal and shall send notice thereof to all parties concerned in the appeal at least fourteen days before the hearing.

Hearing

Jurisdiction
on appeal

(7) The Ontario Municipal Board upon appeal shall determine the amount at which the land in question shall be valued, and the decision of the Board is final and binding.

First
assessment

(8) The assessment of land under subsection 1 shall be determined by the Department of Municipal Affairs in each year for the purpose of taxation in the following year. 1968, c. 15, s. 31 (1-8), *amended*.

Cemetery
lands

33.—(1) Where the carrying out of a project will require the use of a cemetery or other place of interment of human remains, the authority shall acquire other suitable lands for the interment of the bodies contained in the cemetery or other place of interment.

Notice
to plot
owners

(2) The authority shall forward a notice to the owner of each lot in the cemetery or other place of interment, but, if the owner or his whereabouts is unknown, the notice shall, wherever possible, be forwarded to some other person having an interest in the plot through relationship or otherwise to a deceased person buried therein.

Publication
of notice

(3) The authority shall also cause a notice to be published once a week for at least three weeks in a newspaper having general circulation in the locality where the cemetery or other place of interment is located, which notice shall state,

- (a) that the cemetery or other place of interment has been acquired for the purposes of the authority;
- (b) that other land, describing it, has been acquired by the authority for the purpose of reintering the bodies;
- (c) that the authority will at its own expense proceed to remove the bodies from the cemetery or other place of interment to the lands acquired for reinterment at a time not less than one month after the forwarding or third publication of the notice, whichever is the later date; and
- (d) that the owner of any plot in the cemetery or other place of interment, or any other person with the approval of the authority, may cause any body interred in the cemetery or other place of interment to be removed to any other place of interment at his own expense if he obtains permission from the authority and effects the removal within one month from the forwarding or insertion of the notice, whichever is the later date, or before such later date as the authority determines.

Authority
to remove
bodies

(4) The authority has full power to cause the removal of any body from such cemetery or place of interment to any lands acquired under subsection 1 notwithstanding any other Act and to authorize the removal by any other person of any such body for reinterment in any other cemetery or place of interment.

(5) Where a body is removed and reinterred, any headstone or other stone shall be removed and re-erected at the place of reinterment.

Removal of headstones

(6) The authority shall render land, including fences and buildings, acquired for the reinterment of bodies, in a fit and proper condition and shall convey the land to the owner of the cemetery or other place of interment from which the bodies were removed. 1968, c. 15, s. 32.

Conveyance of lands for reinterment

34.—(1) Subject to the right of an authority to use any water power created upon lands vested in it for its own uses, which does not include the marketing or sale of power, The Hydro-Electric Power Commission of Ontario has the sole right to use such water power, but The Hydro-Electric Power Commission of Ontario may consent to the use of any such water power by any person on such terms and conditions as are satisfactory to it and to the authority.

Use of water power

(2) The Hydro-Electric Power Commission of Ontario shall pay to the authority an annual, reasonable compensation for the use of any such water power used by the Commission.

Compensation for water power

(3) Where the authority and The Hydro-Electric Power Commission of Ontario are unable to agree upon the amount of compensation payable, the amount shall be determined by a committee of three members comprising a person appointed by the Minister, the chief engineer of the Commission and an engineer to be agreed upon by both of them, or, in the event that they are unable to agree, appointed by the Lieutenant Governor in Council, and the engineer so agreed upon or appointed shall act as chairman of the committee, and there is no appeal from the committee, but, after ten annual payments of compensation, the amount of compensation shall be redetermined by a like committee at the request of either the authority or the Commission.

Determination of compensation

(4) Subject to review by The Hydro-Electric Power Commission of Ontario, an authority shall charge persons who at the time of the establishment of the authority are, or thereafter become, users of power derived by them from the use of the waters of the watershed for any additional power generated from increased head or flow due to the works undertaken by the authority.

Charge for additional power

(5) This section does not apply to water power reserved to the Crown under *The Public Lands Act*. 1968, c. 15, s. 33.

When section not to apply
R.S.O. 1970, c. 380

35. Where by this Act any power is conferred or duty imposed upon a municipality, or the council of a municipality, including a power or duty to raise money, such power may be exercised and such duty shall be performed by the council of the municipality without the assent of the electors. 1968, c. 15, s. 34.

Assent of electors not necessary

Contracts
by members
with
authority
voidable

36.—(1) If a member of an authority in his own name or in that of another and alone or jointly with another enters into a contract with or makes a purchase from or sale to the authority, the contract, purchase or sale as against the authority is voidable at the instance of the authority or the council of a municipality that is assessed for a portion of the cost of a project in respect of which the contract, purchase or sale was made.

Application
of subs. 1

(2) Subsection 1 does not apply to a contract in relation to the participation of a member in a program of the authority for the assistance of conservation on private lands in like manner and subject to the like conditions as are applicable in the case of persons who are not members of the authority. 1968, c. 15, s. 35.

Moneys
to be paid to
authority

37. All moneys required by this Act to be raised for the purposes of an authority shall be paid to the authority, and the authority may spend such moneys as it considers proper, except that no salary, expenses or allowances of any kind shall be paid to any of the members of the authority without the approval of the Ontario Municipal Board. 1968, c. 15, s. 36.

Annual
audit
R.S.O. 1970,
c. 373

38.—(1) Every authority shall cause its accounts and transactions to be audited annually by a person licensed under *The Public Accountancy Act*.

Auditor

(2) No person shall be appointed as auditor of an authority who is or during the preceding year was a member of the authority or who has or during the preceding year had any direct or indirect interest in any contract or any employment with the authority other than for services within his professional capacity.

Auditor's
report

(3) An authority shall, upon receipt of the auditor's report of his examination of its accounts and transactions, forthwith forward a copy of the report to each participating municipality and to the minister. 1968, c. 15, s. 37.

Grants

39. Grants may be made by the Minister to any authority out of the moneys appropriated therefor by the Legislature in accordance with such conditions and procedures as may be prescribed by the Lieutenant Governor in Council. 1968, c. 15, s. 38.
